



**LEBANON CITY COUNCIL
SEPTEMBER 7, 2022 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 846 213 591#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The September 7, 2022 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

Any member of the public who desires to speak on any item may do so when the item is taken up by the Council and will be allowed to speak on the subject for not more than three minutes. **(Note: Speakers are asked to state their name, ward of residence, and to use the microphone provided.)**

4. Open to the Public

5. Recognitions

- A. Childhood Cancer Awareness Month (Proclamation)
- Native American Heritage Month (Proclamation)

6. Approval of Minutes

- A. MOTION TO approve the minutes as presented in the September 7, 2022 agenda packet.

7. Appointments: None

8. Public Hearing Items

- A. ORDINANCE 2022-03 – A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 124, Use of Public Stormwater Systems
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:

9. Old Business: None

10. New Business

- A. Dog Licensing Civil Forfeiture Update

- B. Presentation by Wright-Pierce Engineers – Asset Management Program for Stormwater & Wastewater Systems
- C. Discussion and action to place question of adoption of provisions of NH RSA 287-E (Bingo and Lucky 7) on the March 2023 Municipal Ballot
- D. Consideration of NHMA 2023-2024 Legislative Floor Policy Proposal submitted by the Town of Grafton re: Change to NH RSA 100-A:43 to permit municipalities with 15 or fewer full-time employees to allow their new hires to opt-out of participation in the New Hampshire Retirement System
- E. Discussion of possible endorsement of federal House Bill 3172 aka the “HELPER Act of 2021”

11. City Manager Report

12. Council Representatives to Other Bodies Report

13. Future Agenda Items

14. Non-Public Session

- A. RSA 91-A:3.II(a) “The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.”

15. Adjournment

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City’s virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 7, 2022**

5. RECOGNITIONS:

- Childhood Cancer Awareness Month
- Native American Heritage Month

Included in this Section:

1. Childhood Cancer Awareness Month Proclamation
2. Native American Heritage Month Proclamation



PROCLAMATION

CHILDHOOD CANCER AWARENESS MONTH

– SEPTEMBER 2022

WHEREAS, the State of New Hampshire recognizes and honors the children, families and caregivers affected by childhood cancer; and

WHEREAS, 43 children per day, and 15,780 kids are diagnosed with cancer annually in the United States, and the incidence of childhood cancer continues to increase each year and is the leading cause of death by disease among children under the age of 18; and

WHEREAS, some progress has been made in treating childhood cancer, but significantly more research and funding is necessary to find a cure, with only four new drugs having been approved by the Food and Drug Administration in the last 20 years; and

WHEREAS, hundreds of non-profit organizations at the local and national level are helping children with cancer and their families cope through educational, emotional and financial support; and

WHEREAS, childhood cancer affects all ethnic groups, social backgrounds and geographic regions; and

WHEREAS, New Hampshire recognizes the severity of childhood cancer across our state and the nation, and we honor all those impacted by childhood cancer and recognize all the work that still needs to be done in finding a cure;

THEREFORE, BE IT NOW RESOLVED, that the City of Lebanon proclaims September 2022 to be Childhood Cancer Awareness Month and calls this to the attention of all citizens.

Proclaimed this 7th Day of September in the year 2022.

Timothy J. McNamara
Mayor, City of Lebanon



PROCLAMATION NATIVE AMERICAN HERITAGE MONTH – NOVEMBER 2022

WHEREAS, November 2022 is recognized nationally as Native American Heritage Month to celebrate and honor indigenous peoples and their diverse and rich cultures, histories and traditions; and

WHEREAS, the Abenaki people have inhabited what is now New Hampshire and Vermont for over 10,000 years, and the Abenaki people are active members of the community today; and

WHEREAS, the indigenous peoples of our region and the entire country have endured centuries of discrimination and mistreatment, but have persevered and maintained their culture in the face of these challenges; and

WHEREAS, The City of Lebanon desires to recognize both the historical importance of indigenous people in the region and our current residents of indigenous heritage; and

WHEREAS, The City of Lebanon values the importance of accurate historical memory and its critical role in building and sustaining a diverse, welcoming and informed community, and

WHEREAS, Native American Heritage Month provides an opportunity for our community to recognize, learn about and honor the indigenous people of our region;

THEREFORE, BE IT NOW RESOLVED, that the City of Lebanon proclaims November 2022 to be Native American Heritage Month and encourages every resident to recognize the importance of indigenous people in our history and as fellow citizens today.

Proclaimed this 7th Day of September in the year 2022.

Timothy J. McNamara
Mayor, City of Lebanon

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 7, 2022**

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- August 17, 2022 (Regular Meeting)

MOVED, to approve the minutes as presented in the September 7, 2022 agenda packet.

DRAFT

LEBANON CITY COUNCIL
MINUTES

Wednesday, August 17, 2022, 7:00 p.m.

Remote Via Microsoft Teams: LebanonNH.gov/Live

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill, Christian Simon, George Sykes, Douglas Whittlesey, Devin Wilkie, and Karen Zook

MEMBERS ABSENT:

STAFF PRESENT: City Manager Shaun Mulholland, Public Works Assistant Director Jay Cairelli, Assistant City Engineer Erica Douglas

1
2 **1. CALL TO ORDER:** Mayor McNamara called the meeting to order at 7:00 p.m.

3
4 **2. PLEDGE OF ALLEGIANCE:** Councilor Sykes led the Council in the Pledge.

- 5
6 • City Manager Shaun Mulholland announced the meeting criteria for the public.

7
8 **3. PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.

9
10 **4. OPEN TO PUBLIC:** No one from the public, or who was attending virtually came forth.

11
12 **5. RECOGNITIONS: NONE**

13
14 **6. ACCEPTANCE OF MINUTES:** August 3, 2022 (Regular Meeting)

15
16 *Councilor Heistad MOVED to approve the August 3, 2022 (Regular Meeting) minutes as written*
17 *and presented in the August 17, 2022 City Council agenda packet.*

18 *Seconded by Councilor Simon..*

19 **The Vote on the Motion was approved (8-0). Councilor Liot Hill was not present at the time vote was*
20 *taken.*

21
22 **7. APPOINTMENTS:**

23 • Arts & Culture Commission, Jessica Giordani (Reappointment Ward 3 Citizen)
24 *Councilor Wilkie put forth the Nomination of Jessica Giordani for Reappointment as a Ward 3 Citizen*
25 *to the Arts & Culture Commission. (Three-year term: (8/22-8/25))*

26 **The Vote on the NOMINATION was approved (7-0-1). Councilor Zook abstained. Councilor Liot*
27 *Hill was not present at the time vote was taken.*

28
29 **Councilor Liot Hill arrived at 7:06 PM.**

30
31 • Conservation Commission, Sean Dittrich (Alternate Member)
32 *Councilor Whittlesey put forth the Nomination of Sean Dittrich (Alternate Member) to the*
33 *Conservation Commission. Three-year term: (8/22-8/25)*

34 **The Vote on the NOMINATION was approved (9-0).*

35
36 • Lebanon Housing Authority, Karen Wynkoop (Citizen Member)

Councilor Liot Hill put forth the Nomination of Karen Wynkoop (Citizen Member) to the Lebanon Housing Authority. Five-year term: (8/22-8/27)

**The Vote on the NOMINATION was approved (9-0)*

- Pedestrian & Bicyclist Advisory Committee, Colin Smith (Reappointment Regular Member)

Councilor Liot Hill put forth the Nomination of Colin Smith for Reappointment (Regular Member) of the Pedestrian & Bicyclist Advisory Committee. Three-year term: (8/22-8/25)

**The Vote on the NOMINATION was approved (9-0)*

- Pedestrian & Bicyclist Advisory Committee, David Koch (Alternate Member)

Assistant Mayor Below put forth the Nomination of David Koch (Alternate Member) to the Pedestrian & Bicyclist Advisory Committee. Three-year term: (8/22-8/25)

**The Vote on the NOMINATION was approved (9-0)*

- Diversity, Equity & Inclusion Commission, Alisha Robinson (Public Representative)

Councilor Wilkie put forth the Nomination of Alisha Robinson (Public Representative) to the Diversity, Equity & Inclusion Commission. Two-year term: (8/22-8/24)

**The Vote on the NOMINATION was approved (9-0)*

- Trustees of Trust Funds, John Jay Hutchins (Reappointment)

Mayor McNamara APPOINTED John Jay Hutchins for Reappointment to the Trustees of Trust Funds. Three-year term: (8/22-8/25)

No Action Needed – For Council Information Only

8. PUBLIC HEARING ITEMS: NONE

9. OLD BUSINESS: NONE

10. NEW BUSINESS

A. Discussion & Set Public Hearing for September 7, 2022: Ordinance #2022-03 to amend City Code Chapter 124, Use of Public Stormwater Systems

1. Included in the agenda packet: Proposed Ordinance 2022-03 (*Pages 46-48, City Council agenda packet.*)

2. August 9, 2022 Legal Opinion by Attorney Christine Fillmore re: Ordinance #2022-03 Stormwater Systems, Chapter 124 (*Page 49- City Council agenda packet.*)

Erica Douglas, Assistant City Engineer, reviewed the proposed amendments to Ordinance #2022-03 as listed above.

BACKGROUND

Ordinance #2022-03 proposes to amend City Code Chapter 124, Use of Public Stormwater Systems, to provide updated criteria that applicants must satisfy in order to determine sufficient capacity of the relevant stormwater system where they propose to connect; to require on-site stormwater management; and to provide for waivers under certain conditions. She noted that they were looking at what the stormwater rate is versus the volume of stormwater that would be leaving a site in order to make sure Lebanon is in line with the State and other municipalities.

1 Mayor McNamara explained how attenuating the process of stormwater flows into the City's stormwater
2 system works.

3
4 In response to Councilor Liot Hill's question, Ms. Douglas spoke about how this would affect the average
5 homeowner, noting the way the regulations were originally written it was focused on the volume of water
6 (i.e., if there was a 100 cu. ft. of water that was discharging from the property before a project, there had
7 to be 100 cu. ft. of discharge storage after a project). The proposed Ordinance amendments would allow
8 even a homeowner the flexibility to tie into the City's stormwater system by filing a waiver if they cannot
9 infiltrate their amount of discharge.

10
11 Mayor McNamara noted that there are three categories of projects:

- 12 • Large projects (he believed these included exceeding 100K sq. ft) which are regulated under a
13 very specific set of State regulations.
- 14 • Smaller projects that do not meet the State criteria which are essentially governed by the Lebanon
15 Planning Board to mitigate the impact on the City's stormwater system.
- 16 • Single family homeowners typically do not have any regulations. Homeowners are basically
17 applying for a building permit. However, if someone is on a small lot and there is nowhere to go
18 with that water, and it may impact an adjoining property, this would provide a mechanism for
19 them (homeowners) to connect to the City's stormwater system through a waiver process.

20
21 The Council discussed the impact of these amendments on if someone were to add an ADU (Accessory
22 Dwelling Unit) on their property; and, whether this would add additional costs to the home builders.

23
24 Assistant Mayor Below wanted to be clear that this Ordinance only pertains to those who would be
25 applying to connect to the City's stormwater system. All these provisions are not even triggered if
26 someone is not seeking to connect to the City's stormwater system.

27
28 **ACTION:**

29 ***Councilor Liot Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for***
30 ***Wednesday, September 7, 2022, beginning at 7:00 pm, in Council Chambers, City Hall, and Remote via***
31 ***City's Virtual Platform, for the purpose of receiving public input and taking action on proposed***
32 ***Ordinance #2022-03 to amend City Code Chapter 124, Public Stormwater Systems, Use of.***

33
34 ***Seconded by Councilor Sykes.***

35 ****The Vote on the Motion was approved (9-0)***

36
37 Proposed Amendments are listed below in RED. Language to be omitted is listed with a ~~strike through~~.

38
39 **CITY OF LEBANON**
40 **ORDINANCE #2022-03**

41
42 AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 124, Public Stormwater
43 Systems, Use of, Stormwater Connections and extensions, Section 124-4.

44
45 BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

46
47 **Section 1**

The Code of the City of Lebanon is hereby amended to revise Chapter 124, Public Stormwater Systems, Use of, Stormwater Connections and extensions, Section 124-4.A(5) as follows:

§ 124-4 Stormwater connections and extensions.

A. Stormwater permit.....

(5) The Director of Public Works shall review the service data to determine whether it has sufficient capacity to provide stormwater drainage service to the applicant.

(a) The applicant shall have the burden of presenting sufficient information, based on such engineering data as deemed necessary by the Director of Public Works, to demonstrate the following:

- (i) Sufficient measures will be implemented to control the post-development peak rate runoff so that it does not exceed pre-development runoff. The drainage analysis should be practical for the site, fiscally responsible, and shall include calculations comparing pre- and post-development stormwater runoff rates (cubic feet/second) and volumes (cubic feet) for the two-, twenty-five-, fifty-year and one-hundred year twenty-four-hour storm events.
- (ii) To the extent that onsite control measures are insufficient at keeping the post-development peak flow rate at or below the existing peak flow rate, a stormwater study will be required to show that, at a minimum, all affected elements of the City's Stormwater system have sufficient capacity for such discharges. In such cases, the applicant shall be permitted to discharge a peak flowrate for the twenty-five-year storm frequency amount not to exceed 50% of the remaining capacity of the receiving stormwater system. Culverts and storm sewers shall be able to pass the one-hundred-year twenty four hour storm event without overtopping and roadway ditches shall be required to pass the twenty-five year twenty four hour storm event without overtopping. In either case the applicant shall be responsible for all costs incurred by the City in making a determination of sufficient capacity except as outlined above in § 124-3C.
- (iii) Every applicant shall provide for stormwater management as required by these Regulations, unless a waiver is granted pursuant to this section. Waiver requests shall be submitted in writing to the Director of Public Works, who may waive the minimum requirements for stormwater management in whole or in part, provided that the following conditions apply:
 - a) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - b) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;
 - c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to implement a particular BMP (Best Management Practice) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
 - d) The granting of the waiver will not be contrary to the spirit and intent of the regulations; and,
 - e) The waiver will not, in any manner, vary the provisions of the Zoning Ordinance or Master Plan.

~~The applicant shall have the burden of presenting sufficient information, based on such engineering data as deemed necessary by the Director of Public Works, to demonstrate, either: that any volume of water~~

diverted by the proposed activity will be recharged (infiltrated as groundwater) elsewhere on the affected property so as to result in a net zero increase in stormwater leaving the property during a twenty five year storm event, including a check for the impacts for fifty year and one hundred year storm frequency events, and including a check on proposed roadway conveyance channels to ensure that they can accommodate one hundred year storm events, and further including design provisions that emergency overflow structures are designed for the one hundred year, twenty four hour storm frequency storm discharge rate discharging to abutting properties or public roadways; or that to any extent such peak flows will not be fully recharged, all affected elements of the City's stormwater drainage system have sufficient capacity for such discharges. In such cases the applicant shall be permitted to discharge a peak flow rate for the twenty five year storm frequency amount not to exceed 50% of the remaining capacity of the receiving stormwater system. In either case the applicant shall be responsible for all costs incurred by the City in making a determination of sufficient capacity except as outlined above in § 124.3C.

- (c) If the City Manager determines, based on input from the Director of Public Works that there is sufficient capacity to provide adequate service, the City Manager may approve the service. and access a permit fee.

Section 2. Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3. Effective Date

This Ordinance shall become effective upon passage.

B. Presentation by Wright-Pierce Engineers: Water Source Study

Included in agenda packet:

1. Presentation by Wright-Pierce Engineers: Water Source Study (*Pages 51-65, City Council agenda packet*).

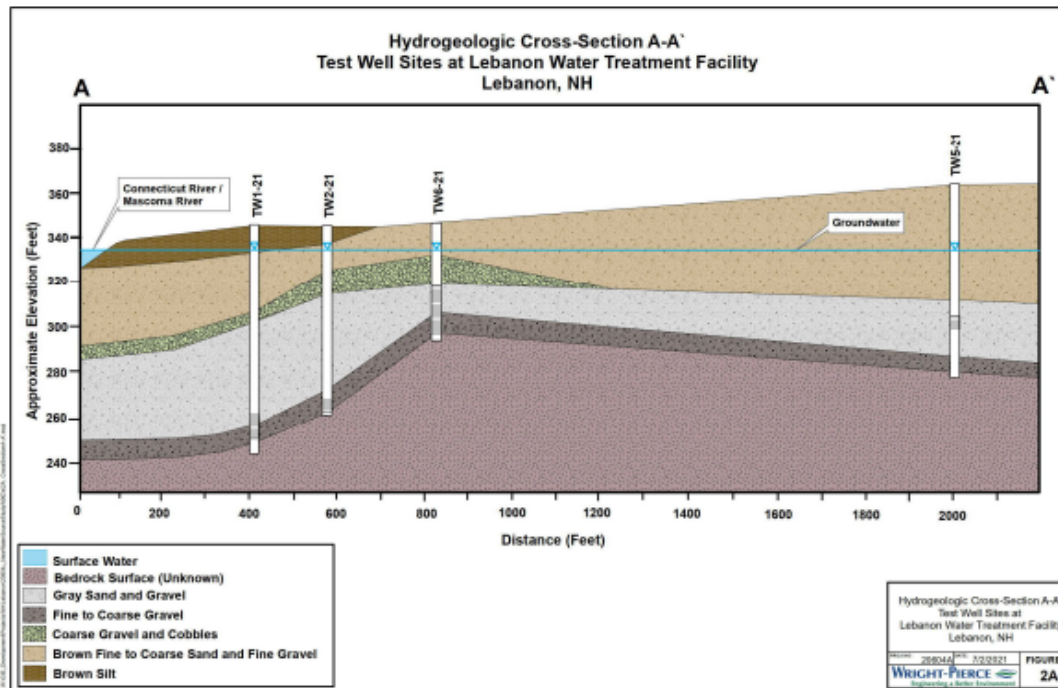
BACKGROUND

The City contracted with Wright-Pierce Engineering to conduct a water source study to determine an alternate source of water for the City's water system. The city presently relies on one water source, the Mascoma River, which has an impoundment in the Mascoma Lake. The water is treated at the water treatment plant and pumped into the City's water distribution system. This source was compromised in the 1950's when a tanker truck rolled over and spilled fuel into the river. Within several days, the fuel spill was cleaned up and the system was operating again. Recently, we have had several summers in which the lake, and companion river levels, have been dangerously low due to drought. It is unknown whether or not drought conditions will continue but there is a concern these conditions will continue due to climate change. This year, algae blooms were located on the lake that tested positive for cyanobacteria, which presented a warning call about our one source of water, which has known risks, and resulted in the City reviewing other options. This project will be included in the City's Capital Improvements Plan, which will be presented to the Council at their October 19, 2022 meeting.

1 Senior Hydrologist, Greg Smith, of Wright-Pierce Engineering reviewed, and shared a screen
2 presentation regarding the findings for an alternate source of water for the City's water system with the
3 Council. He noted that the one property they looked at was owned by Dartmouth, and consists mostly of
4 bedrock, so this site would not be a viable source to replace what the City is looking for. However, in the
5 area by the Wastewater Treatment Plant, a significant amount of water was found for any wells that
6 would be put on this property. This area is at the confluence of the Connecticut and Mascoma Rivers and
7 would provide a massive, drought proof scenario. Understanding there would concern about any wells
8 being downstream from the Wastewater Treatment Plant, they spoke with the NH DES (NH Department
9 of Environmental Services) who noted this was not a huge concern for them because of the volume of
10 water and groundwater on this site, plus the depth of the aquifer itself. Wright-Pierce Engineering drilled
11 quite a few wells and did a geologic cross section, noting this area is all high-yielding sand and gravel
12 materials which allows for the City to put in conventional wells that would provide significant treatment
13 for any pathogens or water quality issues that would result from surface water. In the area of the TW (test
14 wells), they identified at least 16K gal. per minute, and that was without stressing the well. Mr. Smith
15 believed that by putting in one or two wells, the City could match their current source with complete
16 redundancy. The next step would be to test the water quality.

17
18 Mr. Smith further explained how the wells in this area would work regarding filtration through the
19 pumping process.
20

Geologic Cross Section



21
22
23 In response to Mayor McNamara's request, Mr. Smith explained the glacial geologic history (2000 years
24 ago) of this particular area and how it impacts the ground water supply through filtration/pathogen
25 capacity, as well as adjusting the water quality.

26
27 Mayor McNamara explained how glacial geology (glacial tillage) takes place.
28

1 The Council discussed what the average daily current demand is (average day = 1.2 million gallons/peak
2 day = 2.2 million gallons or 14K-15K gallons per minute); overcoming the FEMA Flood Map (basically
3 a non-issue according to Assistant Director of Public Works Jay Cairelli who explained how this could be
4 done); installing a production well this year that would involve doing a long-term pump test and
5 submitting water quality data to the State for their response; and how/if the long-term plan for this project
6 would fit into the City's Debt Management Plan.

7
8 Mr. Smith spoke about another potential option for the future called a Radial Collector Well (as shown
9 below). While he did not recommend Lebanon consider this option now, he felt the Council should think
10 about putting it in their records for future reference in case this nuclear option is ever needed, noting that
11 it could yield 10-20 million gal/day and could be used as a regional water resource that could be lucrative
12 for Lebanon in the future.

Radial Collector Well



14
15 City Manager Shaun Mulholland noted that while there is no demand for this type of well now, we should
16 look at what is going on in the rest of the country. This is a resource a lot of people do not have and may
17 be of value to our region/State in the next 20-30 years from now.

18
19 In response to Assistant Mayor Below's question regarding water treatments, Mr. Smith explained that
20 the City would have to show ample filtration with the State of NH via testing.

21
22 Councilor Heistad was concerned about the risk of salt filtrating into the wells from Interstate 91. Mr.
23 Smith explained soil filtration, and noted that in his professional opinion this potential risk would be
24 overcome by the sheer volume of water in the rivers. This theory could be proven by putting in a large
25 diameter test well.

26
27 Mr. Smith explained possible funding sources for the City, which Wright-Pierce could help the City with
28 and reiterated again that Lebanon has the potential for a drought-proof water source. He also explained
29 how the City could fund this project (as listed below).

Funding

- SRF Funding – Lebanon has had limited success due to rate structure
- NH Drinking Water & Groundwater Trust Fund
- Next round of grant applications
- Complete redundancy with conventional wells
- Potential regional supply source
- Elevate funding priority by:
 1. Stressing cyanobacteria and water quality issues
 2. Lack of control of dam levels
 3. Single source is susceptible to drought
 4. Regional growth



Mr. Nick Mouzourakis (Ward 3) came forth and spoke about extending the outlet of the plant past where water is drawn from and questioned if the City should go to other regional towns to see if they would be willing to contribute to the project.

Mayor McNamara noted that the City needs to get to the next stage of a production well first. Participation from other municipalities could certainly occur in a staged fashion in the future because very few of the local municipalities actually have a municipal water supply. He felt the market is potentially there, but it is a very small market.

Councilor Whittlesey questioned if a Risk Assessment was done on the flow rates of the rivers from upstream development. City Manager Mulholland noted this was discussed at the Municipal Manager's meeting and they were not interested in talking about a refill water source because due to the regional development that would occur if additional water sources were added.

ACTION:

No action was required by the Council. Item was for informational purposes only.

11. City Manager Report:

City Manager Shaun Mulholland update the Council on the following:

- Westboro Yard Status.
- DPW City road projects and State Funding.
- Kimball Street concerns from the public regarding the flow of traffic.
- Right-to-Know Law: Reminded and encouraged Council members to only use their city email accounts for City business and not their private email accounts.
- He will be on vacation until September 6th. During his absence, Deputy City Manager Paula Maville will be in charge until August 31st, then David Brooks would be in charge from Sept 1 through Sept 2nd.

- Joint Hartford, VT/City of Lebanon meeting will be taking place on Sept 27th at Hartford High School. Time TBD. He will send a calendar invite to the Council with the details.
- Mascoma Greenway and Northern Rail Trail eBike concerns regarding eBike Safety and other safety concerns along the Mascoma Greenway.
- Tax Rate Re-evaluation Assessments: Have been delayed.
- Deputy City Manager Paula Maville's Retirement Party, September 9th, 2022, Salt hill Pub, starting at 4 P.M.
- Punch card fraud at the landfill.
- Comments on the Civility of City Council: Kudos to Lebanon's City Council. He has received many positive comments from the public acknowledging the civility and praising the Council for the way they treat each other and the citizens of Lebanon. Thank you for that!

12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE

13. FUTURE AGENDA ITEMS: NONE

14. NON-PUBLIC SESSION: NONE

15. ADJOURNMENT:

Councilor Whittlesey MOVED for adjournment.

Seconded by Councilor Heistad.

**The Vote on the MOTION was unanimously approved (9-0)*

The meeting was adjourned at 8:32 PM.

Respectfully submitted,

Dona E. Gibson

Recording Secretary

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 7, 2022**

8. PUBLIC HEARING ITEMS:

**8.A – ORDINANCE #2022-03 TO AMEND CITY CODE CHAPTER 124,
USE OF PUBLIC STORMWATER SYSTEMS**

A public hearing for the purpose of receiving public input and taking action to adopt Ordinance #2022-03 to amend City Code Chapter 124, Public Stormwater Systems, Use of.

The City Council scheduled this public hearing at their August 17, 2022 regular meeting. The public hearing was properly noticed in the *Valley News* on August 27, 2022 in accordance with City Code and State Law.

BACKGROUND

Ordinance #2022-03 proposes to amend City Code Chapter 124, Use of Public Stormwater Systems, to provide updated criteria that applicants must satisfy in order to determine sufficient capacity of the relevant stormwater system where they propose to connect; to require on-site stormwater management; and to provide for waivers under certain conditions.

ACTION

If the Council decides to move forward, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby adopts Ordinance #2022-03 to amend City Code Chapter 124, Public Stormwater Systems, Use of.

Included in this Section:

1. Proposed Ordinance #2022-03
2. August 9, 2022 Legal Opinion by Attorney Christine Fillmore re: Ordinance #2022-03 Stormwater Systems, Chapter 124
3. Notice of Public Hearing as Published in the August 27, 2022 Edition of the *Valley News*

**CITY OF LEBANON
ORDINANCE #2022-03**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 124, Public Stormwater Systems, Use of, Stormwater Connections and extensions, Section 124-4.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1

The Code of the City of Lebanon is hereby amended to revise Chapter 124, Public Stormwater Systems, Use of, Stormwater Connections and extensions, Section 124-4.A(5) as follows:

§ 124-4 Stormwater connections and extensions.

A. Stormwater permit.....

(5) The Director of Public Works shall review the service data to determine whether it has sufficient capacity to provide stormwater drainage service to the applicant.

(a) The applicant shall have the burden of presenting sufficient information, based on such engineering data as deemed necessary by the Director of Public Works, to demonstrate **the following**:

- (i) Sufficient measures will be implemented to control the post-development peak rate runoff so that it does not exceed pre-development runoff. The drainage analysis should be practical for the site, fiscally responsible, and shall include calculations comparing pre- and post-development stormwater runoff rates (cubic feet/second) and volumes (cubic feet) for the two-, twenty-five-, fifty-year and one-hundred year twenty-four-hour storm events.
- (ii) To the extent that onsite control measures are insufficient at keeping the post-development peak flow rate at or below the existing peak flow rate, a stormwater study will be required to show that, at a minimum, all affected elements of the City's Stormwater system have sufficient capacity for such discharges. In such cases, the applicant shall be permitted to discharge a peak flowrate for the twenty-five-year storm frequency amount not to exceed 50% of the remaining capacity of the receiving stormwater system. Culverts and storm sewers shall be able to pass the one-hundred-year twenty four hour storm event without overtopping and roadway ditches shall be required to pass the twenty-five year twenty four hour storm event without overtopping. In either case the applicant shall be responsible for all costs incurred by the City in making a determination of sufficient capacity except as outlined above in § 124-3C.

(iii) Every applicant shall provide for stormwater management as required by these Regulations, unless a waiver is granted pursuant to this section. Waiver requests shall be submitted in writing to the Director of Public Works, who may waive the minimum requirements for stormwater management in whole or in part, provided that the following conditions apply:

- a) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
- b) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;
- c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to implement a particular BMP (Best Management Practice) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
- d) The granting of the waiver will not be contrary to the spirit and intent of the regulations; and,
- e) The waiver will not, in any manner, vary the provisions of the Zoning Ordinance or Master Plan.

~~The applicant shall have the burden of presenting sufficient information, based on such engineering data as deemed necessary by the Director of Public Works, to demonstrate, either: that any volume of water diverted by the proposed activity will be recharged (infiltrated as groundwater) elsewhere on the affected property so as to result in a net zero increase in stormwater leaving the property during a twenty-five year storm event, including a check for the impacts for fifty year and one-hundred year storm frequency events, and including a check on proposed roadway conveyance channels to ensure that they can accommodate one-hundred year storm events, and further including design provisions that emergency overflow structures are designed for the one-hundred year, twenty-four hour storm frequency storm discharge rate discharging to abutting properties or public roadways; or that to any extent such peak flows will not be fully recharged, all affected elements of the City's stormwater drainage system have sufficient capacity for such discharges. In such cases the applicant shall be permitted to discharge a peak flowrate for the twenty-five year storm frequency amount not to exceed 50% of the remaining capacity of the receiving stormwater system. In either case the applicant shall be responsible for all costs incurred by the City in making a determination of sufficient capacity except as outlined above in § 124-3C.~~

- (c) If the City Manager determines, based on input from the Director of Public Works that there is sufficient capacity to provide adequate service, the City Manager may approve the service. ~~and access a permit fee.~~

Section 2. Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3. Effective Date

This Ordinance shall become effective upon passage.



C. Christine Fillmore
Admitted in NH

603.792.7417
cfillmore@dwmlaw.com

670 N. Commercial Street, Suite 207
Manchester, NH 03101-1188
603.716.2895 Main
603.716.2899 Fax

August 9, 2022

Shaun Mulholland
City Manager
City of Lebanon, NH
51 N. Park Street
Lebanon, NH 03766

RELEASED TO THE PUBLIC
Lebanon City Manager's Office

Date: 08/11/2022

^{DS}

**RE: Ordinance #2022-03 Stormwater Systems
Ch. 124**

Mr. Mulholland:

This is a legal opinion as required by § 115-3 of the Lebanon City Code concerning the proposed Ordinance 2022-03, Stormwater Systems, Use of, Stormwater Connections and Extensions, which your office forwarded to me on July 18, 2022. The goals of the proposed ordinance as I understand them are to amend the existing Chapter 124 of the City Code regarding applications for stormwater system connections by updating the criteria each applicant is required to satisfy to demonstrate that the City's stormwater system has adequate capacity to provide stormwater drainage for the applicant, by requiring applicants to provide for stormwater management, and by setting forth the circumstances in which a waiver of stormwater management requirements may be granted.

I have reviewed the proposed ordinance in detail. In my opinion, the ordinance is consistent with New Hampshire law and I discern no legal problems.

Please do not hesitate to contact me with additional questions or comments.

Sincerely,

C. Christine Fillmore



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC
HEARINGS**

Wednesday, September 7, 2022 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
[LebanonNH.gov/LIVE](https://lebanonnh.gov/LIVE)

The Lebanon City Council will hold public hearings on September 7, 2022, beginning at 7:00pm for the following:

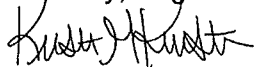
A. ORDINANCE 2022-03 – A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 124, Use of Public Stormwater Systems

The September 7, 2022 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning September 2, 2022: [LebanonNH.gov/Agendas](https://lebanonnh.gov/Agendas)

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to [LebanonNH.gov/Live](https://lebanonnh.gov/Live) where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

HE-204800

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, August 27, 2022.



Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 7, 2022**

10. NEW BUSINESS:

10.A – DOG LICENSING CIVIL FORFEITURE UPDATE

BACKGROUND

In accordance with NH RSA 466:14, at the June 15, 2022 City Council Meeting, City Clerk Kristin Kenniston presented the Dog Licensing Warrant for Civil Forfeiture Notice to the Council for approval. NH RSA 466:16 requires the City Clerk to report back to the Council on or before August 31st with the number of owners who received and paid the civil forfeiture, the number of dogs in the City which have been seized and held, and the number of owners who have received summons to a district or municipal court for failure to pay the civil forfeiture or license their dog.

Please see the attached memo from City Clerk Kristin Kenniston providing the numbers as required by RSA 466:16.

ACTION

No Council Action is required, item for discussion purposes only.

Included in this Section:

1. August 29, 2022 Memo from City Clerk Kristin Kenniston, re: Dog Licensing – Civil Forfeiture Notice – Returns

MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Kristin Kenniston, City Clerk

DATE: August 29, 2022

RE: Dog Licensing - Civil Forfeiture Notice – Returns.

At the Council Meeting of June 15, 2022, the Lebanon City Council issued a warrant authorizing the Lebanon City Clerk's Office to issue Civil Forfeiture notices to all delinquent dog owners per RSA 466:14 Warrants: Proceedings.

As part of this process (RSA 466:16 Returns), the Clerk's Office is required to report back to the City Council on or before August 31st with the number of owners who received and paid the civil forfeiture, the number of dogs in the city or town which have been seized and held under the provisions of RSA 466:14, and the number of owners who have received summons to a district or municipal court for failure to pay the civil forfeiture pursuant to RSA 466:13 or to license the dog pursuant to RSA 466:1. Although not required by statute, I have included the number of owners who have contacted our office to report that they have moved from Lebanon or that the dog is deceased.

This is for informational purposes only – no action is required by the City Council.

As of August 29, 2021:

# of Owners who received Civil Forfeiture Notices	209
# of Owners who reported dogs deceased OR owner has moved from Lebanon	75
# of Owners who Paid Civil Forfeiture Fees	65
# of Dogs which have been seized*	0
# of Owners who have received summons to Lebanon District Court**	0

*The Lebanon Police Department does not seize dogs as a result of failure to license.

** A list of negligent owners will be provided to the Police Department who will contact the owners. Summons have not yet been issued but are expected to be soon. 69 owners may be issued summons for the 81 dogs which remain unlicensed.

Animal Licensing RSAs

466:1 Procuring License; Tag. – Every owner or keeper of a dog 4 months old or over shall annually, cause it to be registered, numbered, described, and licensed for one year in the office of the clerk of the city or town in which the dog is kept, and shall cause it to wear around its neck a collar to which shall be attached a metal tag with the following information thereon: the name of the city or town, year of issue of license and its registered number. The tag and license shall be furnished by the clerk at the expense of the city or town. Regardless of when the license is obtained, the license shall be effective from May 1 of each year to April 30 of the subsequent year. Source. 1891, 60:1. 1925, 96:1. PL 150:6. RL 180:6. RSA 466:1. 1957, 217:1. 1995, 298:1. 1996, 67:1. 1997, 273:1, eff. Jan. 1, 1998.

466:11 Records. – I. Clerks of towns and cities shall keep a record of all licenses issued by them, with the names of the keepers or owners of dogs licensed, and the names, registered numbers and descriptions of all such dogs. Clerks of towns and cities shall furnish yearly to the local governing body a list of those owners who have failed to renew their license for use in preparing the warrant of unlicensed dogs. II. With the owner's consent, a veterinarian may report the euthanizing or death during treatment of a licensed dog to the town or city clerk in order to have the record reflect that the dog was euthanized or died. A veterinarian providing such a report may also provide the town or city clerk with the mailing and street addresses of the owner of the dog. Written reports, if any, shall be destroyed after receipt by the town or city clerk, and any resulting record reflecting the dog's death shall not specify the manner or cause of death. Source. 1891, 60:5. PL 150:13. RL 180:13. RSA 466:11. 1994, 353:5, eff. Jan. 1, 1995. 2008, 42:1, eff. July 11, 2008.

466:13 Forfeiture. – Whoever is the owner or keeper of a dog and who fails to license or renew the dog license pursuant to RSA 466:1 shall forfeit \$25 to the town or city clerk of the municipality in which the dog is kept. If the forfeiture is not made to the town or city clerk within 15 calendar days of the notice of forfeiture, the case may be disposed of in a district court as a violation with a fine not to exceed \$50, notwithstanding the provisions of RSA 651:2, IV. A forfeiture shall not relieve the owner or keeper of the requirement of proper licensing of the dog as required by RSA 466:1. This section shall also apply to cats, if the municipality licenses cats. Any forfeitures collected under this section may be retained by the city or town for the administration and enforcement of this chapter. Source. 1891, 60:8. PL 150:15. RL 180:15. RSA 466:13. 1994, 353:6. 1995, 298:9. 1996, 67:4. Lebanon City Council June 5, 2019 Page 101 Unlicensed Dogs Section 466:14

466:14 Warrants; Proceedings. – The town or city clerk shall annually, between June 1 and June 20, present to the local governing body a list of those owners of dogs that have failed to license or not renewed their dog licenses pursuant to RSA 466:1. The local governing body shall, within 20 days from June 20, issue a warrant to a local official authorized to issue a civil forfeiture for each unlicensed dog. The warrant may also authorize a local law enforcement officer to seize any unlicensed dog. The civil forfeiture may be sent by certified mail, or delivered in hand, or left at the abode of the dog owner. The cost of service shall not exceed \$7 and may be recovered by the city or town in addition to the amount of the civil forfeiture. If the unlicensed dog is seized, it shall be held in a town or city holding facility for a period of 7 days, after which time full title to the dog shall pass to the facility, unless the owner of the dog has, before the expiration of the period, caused the dog to be licensed. The owner shall pay the facility a necessary and reasonable sum per day, as agreed upon by the governing body of the town or city and the facility, for each day the dog has been kept and maintained by the facility, plus any necessary veterinary fees incurred by the facility for the benefit of the dog. Before a local law enforcement officer seizes any unlicensed dog, a written warning shall be given to the dog owner.

Source. RS 127:5. CS 133:5. GS 105:5. GL 115:7. PS 118:8. 1891, 60:11. PL 150:18. RL 180:18. RSA 466:14. 1965, 325:2. 1967, 150:1. 1977, 559:1. 1983, 198:1. 1987, 91:1. 1994, 353:7. 1995, 298:10. 1996, 67:5. 2000, 128:1. 2001, 274:7, eff. July 16, 2001. 2014, 178:1, eff. July 1, 2014.

466:16 Returns. – Each local law enforcement officer to whom the warrant named in RSA 466:14 is issued shall return the warrant, on or before August 31, to the local governing body issuing it and, shall state in the return the number of owners who received and paid the civil forfeiture, the number of dogs in the city or town which have been seized and held under the provisions of RSA 466:14, and the number of owners who have received summons to a district or municipal court for failure to pay the civil forfeiture pursuant to RSA 466:13 or to license the dog pursuant to RSA 466:1. Source. 1891, 60:12. PL 150:20. RL 180:20. RSA 466:16. 1994, 353:8. 2000, 128:2, eff. Jan. 1, 2001.

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 7, 2022**

10. NEW BUSINESS:

**10.B – ASSET MANAGEMENT PROGRAM FOR STORMWATER
AND WASTEWATER SYSTEMS PRESENTATION**

BACKGROUND

In 2018, the City applied for, and received, a Clean Water State Revolving Fund (CWSRF) loan to develop an asset management (AM) program for our Stormwater and Wastewater assets. This includes an Asset Inventory and Condition Assessment, Defined Level of Service, Risk Analysis, Life Cycle Cost, Financial Implementation Plan and Asset Management Program Maintenance Plan. The consultant Wright Pierce will be presenting.

ACTION

No action is required by the Council. Item is for informational purposes only.

Included in this Section:

1. PowerPoint Presentation- Wastewater and Stormwater System Asset Management

Asset Management Program

Lebanon Department of Public Works

September 2022



Erica Douglas, Assistant City Engineer
Chris Berg, Wright-Pierce

Presentation Overview

What are Assets?
What is Asset Management?
Existing Infrastructure
Level of Service (LOS)
System Evaluations
Risk Prioritization
Risk Analysis
Recommendations
Next Steps

What are Assets?

An asset is a resource with economic value and the expectation that it will provide a future benefit.



Wastewater

- Manholes
- Sewer Mains
 - Gravity mains
 - Force mains
- Pump Stations
- WWTP



Stormwater

- Culverts
- Catch Basins
- Drain Manholes
- Drainage System Pipes

What is Asset Management?



“Asset Management is a systematic process of **operating, maintaining, upgrading and disposing of assets** cost-effectively while maintaining a level of service that is acceptable to the customers.”

What is Asset Management?



Existing Infrastructure - Summary

Lebanon owns and maintains thousands of assets.

Asset Type	Number of Assets in System
Wastewater	
Manholes	1562
Mains (force and gravity)	1868
Vertical Assets	632
Stormwater	
Catch Basins	3995
Drainage Piping	2091
Drain Manholes	335
Culverts	1457

These assets are valuable, and represent a large portion of the City's worth:

\$250M Wastewater System

\$75M Stormwater System

\$325M of total assets

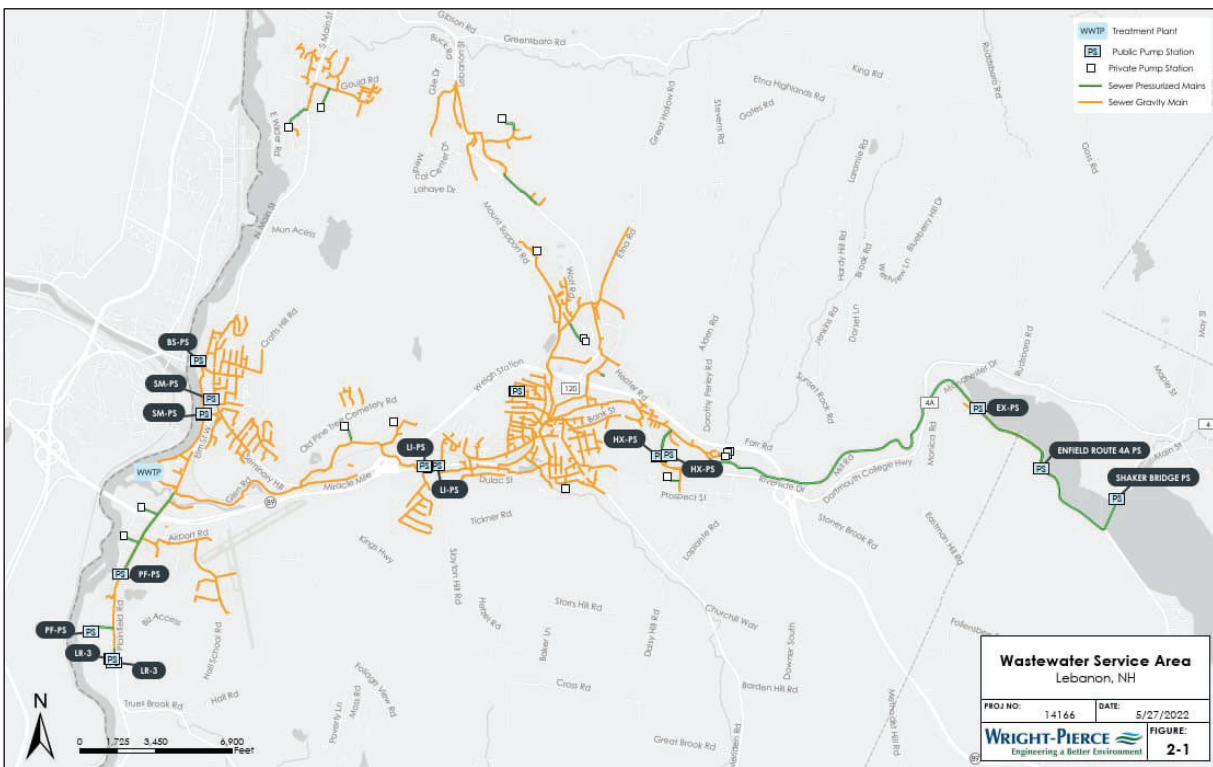
This value equates to the City's "system replacement value."

Existing Infrastructure – Condition Assessment

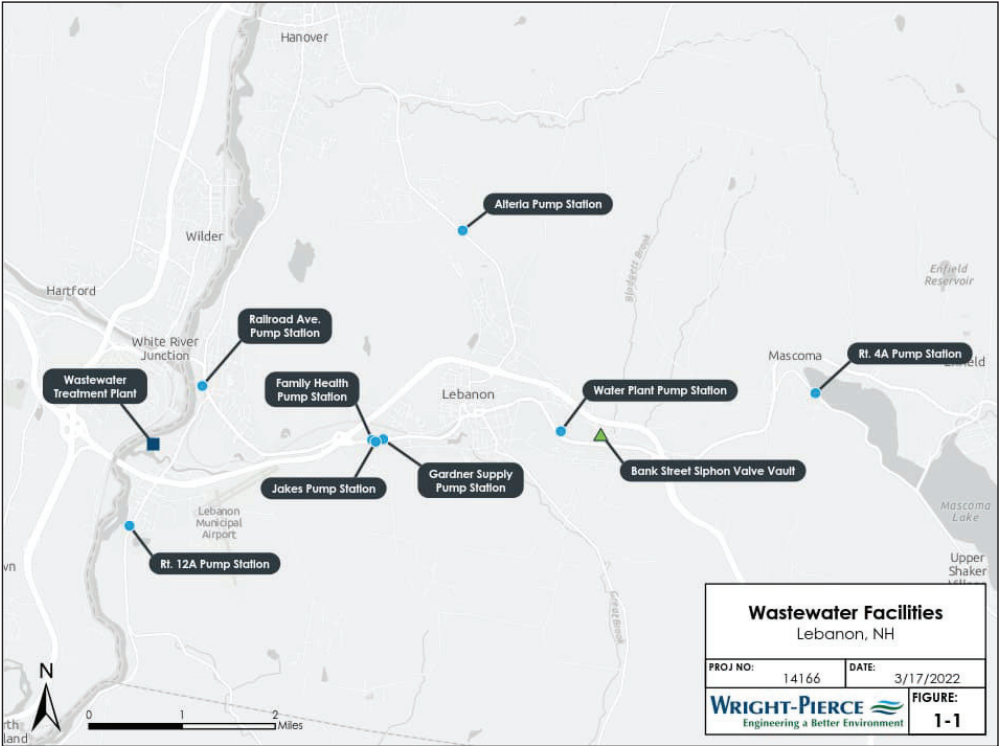
- City currently owns ArcGIS license and Beehive Asset Management
- Data in GIS is integrated with Beehive Software
- City utilizes a combination of ArcGIS tools and Beehive to update asset condition data.



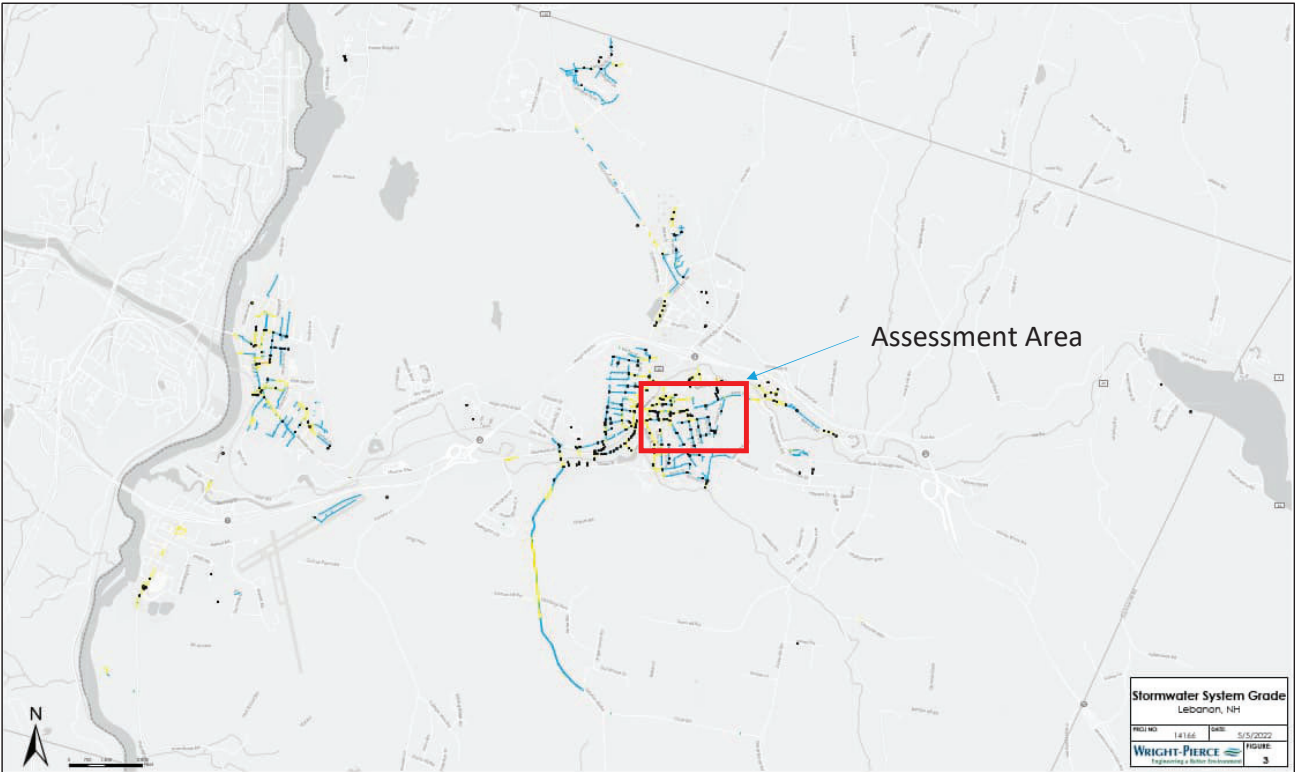
Existing Infrastructure – Wastewater Collection System



Existing Infrastructure – Wastewater Vertical



Existing Infrastructure – Stormwater



Level of Service

A **Level of Service Agreement (LOS)** defines how the utility owners, managers, and operators **want the system to perform** over the long term.



The City chose to create a LOS that covers both vertical and collections systems



Separate LOS objectives for Sewer and Drainage systems were defined

Level of Service – Wastewater System Objectives

Goal	Objective	Measure
System Reliability	Asset Reliability	Infiltration and Inflow (I&I) identified
		Collection system inspection (units inspected/year)
		Eliminate sewer discharges to the environment
		Combined sewer overflows (CSOs) & volume (# CSOs/year, total gal)
	Operational Performance	Inspect and clean fog areas in the collection system
		Number of identified areas inspected and cleaned (#checks/year)
		Maintenance of siphons
		Number of times siphons maintained (#/year)
	Resource Management	Maintenance of capacity (lining)
		Areas identified to watch (# w/ capacity/ total # identified to watch)
		Growth capacity
		Areas predicted for growth by commission have available capacity (# of areas w/ available capacity/total # of areas)
	Workforce Management	Hanover capacity flows and management
		MGD under Hanover's limit (MGD/Hanover's MGD limit)
		Odor complaints (Enfield area)
		Number of odor complaints (#/year)
System Reliability	Asset Reliability	Rate adjustments
		Cost to average user (% increase/year)
		GIS data
		Updates/CMMS push (#/year)
	Operational Performance	Organizational data management improvements
		Made available to field staff (yes/no)
		Review staffing needs
		Annual review (yes/no)
	Resource Management	Training levels/certification updates
		Maintain certifications and training (# of employees w/ appropriate certification/# of overall employees)
		Succession planning
		Annual review (yes/no)

Level of Service – Stormwater Objectives

	Goal	Objective	Measure
System Reliability	Asset Reliability	Prevent flooding	Floods (# floods/year)
	Operational Performance	Maintenance of capacity	Areas identified to watch (# w/ capacity/ total # identified to watch)
	Resource Management	GIS data	Updates/CMMS push (#/year)
		Organizational data management improvements	Made available to field staff (yes/no)
	Workforce Management	Review staffing needs	Annual review (yes/no)
		Training levels/certification updates	Maintain certifications and training (# of employees w/ appropriate certification/# of overall employees)
		Succession planning	Annual review (yes/no)

Risk Prioritization – Wastewater Vertical

		Consequence of Failure									
Probability of Failure		1	2	3	4	5	6	7	8	9	10
	10	D	D	B	B	A	A	A	A	A	A
	9	D	D	B	B	A	A	A	A	A	A
	8	D	D	C	B	B	B	A	A	A	A
	7	D	D	C	B	B	B	B	B	A	A
	6	F	F	C	C	C	B	B	B	B	B
	5	F	F	F	C	C	C	C	C	C	C
	4	F	F	F	E	C	C	C	C	C	C
	3	F	F	F	E	E	E	E	C	C	C
	2	F	F	F	E	E	E	E	E	E	E
	1	F	F	F	E	E	E	E	E	E	E

Recommendations are developed for each asset (inspection, repair, or rehabilitation). **Inspections may result in new BRE scores.**

Group	Strategy	Group	Strategy
A	Critical R&R	E	Rt or PM Schedule
B	Priority R&R	F	Run to Fail
C	Add PdM Schedule		
D	Opportunistic R&R		

Risk Analysis Results - Wastewater Vertical

Group	Strategy	Count	% Assets
A	Critical R&R	2	0%
B	Priority R&R	15	2%
C	Add PdM Schedule	27	4%
D	Opportunistic R&R	10	2%
E	Rt or PM Schedule	229	36%
F	Run to Fail	349	55%
G	(undefined)	0	0%
Total		632	

- Probability of Failure (**PoF**)
- Consequence of Failure (**CoF**)
- Business Risk Exposure (**BRE**)
 - Combines the two measures of failure into one category that can be **used to sort and rank assets**.
 - **BRE = PoF x CoF**

Risk Prioritization – Horizontal

		Consequence of Failure				
		2	4	6	8	10
Probability of Failure	10	D	C	B	A	A
	8	D	C	B	B	A
	6	D	C	C	B	B
	4	E	D	C	C	C
	2	E	E	D	D	D

Recommendations are developed for each asset (inspection, repair, or rehabilitation). **Inspections may result in new BRE scores.**

Group	Strategy
A	Critical Repair or Replacement
B	Priority Repair or Replacement
C	Priority Monitoring
D	Opportunistic Repair or Replacement
E	Monitor

Risk Analysis Results – Wastewater Collection System

Asset	BRE Group									
	Group A	Group A	Group B	Group B	Group C	Group C	Group D	Group D	Group E	Group E
	Count	% Assets	Count	% Assets	Count	% Assets	Count	% Assets	Count	% Assets
Gravity Pipes	20	1%	180	10%	704	39%	737	41%	156	9%
Sewer Manholes	0	-	110	1%	1292	83%	160	10%	0	-
Pressurized Main	0	-	11	15%	60	85%	0	-	0	-
Totals	20	1%	301	9%	2056	60%	897	26%	156	5%

- Likelihood of Failure (**LoF**)
- Consequence of Failure (**CoF**)
- Business Risk Exposure (**BRE**)
 - Combines the two measures of failure into one category that can be **used to sort and rank assets**.
 - **BRE = LoF x CoF**

Risk Analysis Results – Stormwater System

Asset	BRE Group									
	Group A	Group A	Group B	Group B	Group C	Group C	Group D	Group D	Group E	Group E
	Count	% Assets	Count	% Assets	Count	% Assets	Count	% Assets	Count	% Assets
Drain Pipes	2	<1%	10	<1%	792	38%	1287	62%	0	-
Drain Manholes	1	<1%	4	1%	235	70%	95	28%	0	-
Catch Basins	0	-	2	2%	54	45%	21	18%	42	35%
Totals	3	<1%	16	1%	1081	42%	1403	55%	42	2%

- Likelihood of Failure (**LoF**)
- Consequence of Failure (**CoF**)
- Business Risk Exposure (**BRE**)
 - Combines the two measures of failure into one category that can be **used to sort and rank assets**.
 - **BRE = LoF x CoF**

Horizontal Recommendations – Collection & SW System

Improvement Description	Purpose of Improvement	Approximate Quantity
Replacement of 18" gravity sewer line from Bridge Street to Market Street	Age, Critical Main	6,400 feet
Replacement of BRE group B manholes along sewer line from Bridge Street to Market Street	Age, Critical Main	21 manholes
Inspection of BRE Group C manholes along sewer line from Bridge Street to Market Street	Age, Critical Main	12 manholes
Inspection of 21" gravity sewer line from manhole LI-41 to LI-44	Age, Critical Main	400 feet
Inspection of BRE group B manholes from LI-41 to LI-44	Age, Critical Main	4 manholes
Hydraulic capacity assessment of drainage system in the areas of Spencer St., Estabrook Cir., Maple St., Tracey St., and along Route 12A.	Age, Failure Frequency	4,250 feet
CCTV Inspection of BRE group B sewer gravity main	Age, Capacity, Proximity to Water	30,000 feet
CCTV inspection of BRE group B sewer force main	Traffic Disruption, Capacity, Proximity to Water	10,800 feet
Inspection of BRE group B sewer manholes	Age, Proximity to Water	85 manholes
Collection of Asset attribute Data for Drainage Structures and Pipes	Asset Inventory Development, Risk Management	2900 manholes and 30 miles of pipe

Vertical Recommendations - Wastewater

Blended Sludge Tank - WWTP

Description	Room Area	Observation	Recommendation	Plan Year
Priority Asset Improvements				
Blend Tank Mixer #1	Blend Tank	Estimated renewal date.	Replace Blend Tank Mixer #1. 2018 Energy Evaluation recommends adding SCADA timer controls for the mixer to activate/deactivate the unit 50% of the time.	2022
Blend Tank	-	Tank is due for recoating.	Clean, prep, and recoat tank.	2022
Huber Feed Pump #1	Main Room	Estimated renewal date.	Replace Huber Feed Pump #1.	2022
Huber Feed Pump #1 Motor	Main Room	Estimated renewal date.	Replace Huber Feed Pump #1 Motor.	2022
Huber Feed Pump #1 VFD	Main Room	VFD is labeled for previous pumps.	Install label for new pumps.	2022
Huber Feed Pump #2 VFD	Main Room	VFD is labeled for previous pumps.	Install label for new pumps.	2022
Control Panel	Main Room	Outdated and still has old processes that have been demoed on SCADA screens.	Upgrade panel.	2023
Huber Feed Pump #3 VFD	Main Room	New VFD is located externally, old one still in MCC.	Remove old VFD from MCC and label as spare bucket.	2023
Predictive Asset Improvements				
Sump Pump	Main Room	Estimated renewal date.	Replace Sump Pump.	2029

Next Steps

Asset Management Maintenance Plan

1

Continue collection of missing assets and asset characteristics.
Drainage System

4

Continue to identify and provide training to staff members who will be maintaining data sets and coordinating with GIS and Beehive.

5

Perform bi-annual audits of GIS and Beehive data sets to ensure consistency.

2

Revise asset information as inspections, rehabilitation and capital projects are completed.

3

Add asset information from development projects to GIS and Beehive.

System Evaluations – Refining the Existing Data

OBJECTID	Install Date	Inlet Type	Access Diameter	Invert Elevation	Cover Type	Wall Material	Condition	Grate Style
13220		Catchbasin	24	0	Grate			Square
13221	2008-05-20	Catchbasin	24	597.94	Grate		Excellent	Square
13227		Catchbasin	24	0	Grate	PreCast	Very Good	Square
13228		Catchbasin	24	0	Grate	PreCast	Very Good	Square
13229		Catchbasin	24	0	Grate	PreCast	Very Good	Square
13230		Catchbasin	24	0	Grate	PreCast	Very Good	Square
13231		Catchbasin	24	0	Grate	PreCast	Very Good	Square
13232		Catchbasin	24	0	Grate	Block	Fair	Square
13233		Catchbasin	24	0	Grate	Brick	Good	Square
13234		Catchbasin	24	0	Grate			Square
13235		Catchbasin	24	0	Grate			Square
13238		Catchbasin	24	0	Grate			Square
13239		Catchbasin	24	0	Grate	PreCast	Fair	Square
13240		Catchbasin	24	0	Grate	Brick	Good	Square
13241		Catchbasin	24	0	Grate	Brick	Fair	Square
13242		Catchbasin	24	0	Grate	Brick	Good	Square
13243		Catchbasin	24	0	Grate	PreCast	Very Good	Square
13244		Catchbasin	24	0	Grate	Brick	Fair	Square
13245		Catchbasin	24	0	Grate	PreCast	Excellent	Square
13253		Catchbasin	24	0	Grate			Square
13254		Catchbasin	24	0	Grate			Square
13255		Catchbasin	24	0	Grate			Square
13256		Catchbasin	24	0	Grate			Square
13258		Catchbasin	24	0				
13261		Catchbasin	24	0				

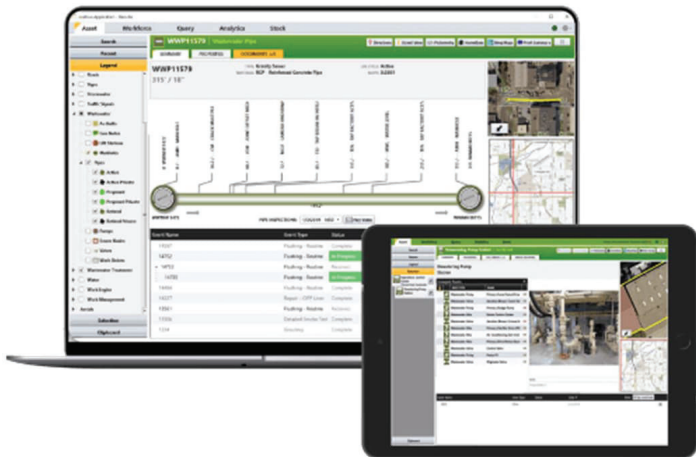
- Structure is in place
- ~2900 structures + pipes to be inventoried and assessed
- Drainage Asset Attribute information is not complete, allocate effort to complete condition assessment on a watershed basis annually
- Need exists to fill in data gaps to better understand risk and plan improvements

System Evaluations – Refining the Existing Data



- Pipes are the heart of these systems
- Difficult asset to assess
- Require more extensive inspection methods to accurately determine condition and risk
- Investment in inspections will greatly benefit the effectiveness of the Asset Management Program

System Evaluations – Continued Implementation



Asset Management Platform - Beehive

- Software tailored to maximize effectiveness of inspections and management
- Better information more readily accessible
- Allow for real time tracking and updating of systems most critical assets
- Result in improved capital planning

THANK YOU

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 7, 2022**

10. NEW BUSINESS:

**10.C – DISCUSSION AND ACTION TO PLACE QUESTION OF ADOPTION OF
PROVISIONS OF NH RSA 287-E (BINGO AND LUCKY 7) ON THE MARCH 2023
MUNICIPAL BALLOT**

BACKGROUND

It has come to the attention of the City Manager's Office that the City of Lebanon has never formally adopted the provisions of NH RSA 287-E that permits the playing of bingo and the selling of Lucky 7 tickets in the City.

The absence of action by the City to adopt the provision of the statute could jeopardize organizations such as the American Legion and Elks in their fundraising capabilities.

In order for the provisions of the statute to be adopted, a vote by the citizens of Lebanon is required. The Council is therefore asked to take action to place the question on the ballot for consideration by the voters in the March 2023 Municipal Election.

ACTION

The following motion is offered for the Council's consideration:

MOVED that the City Council hereby directs the City Clerk to place the following question on the March 14, 2023 Municipal Ballot: "Shall we adopt the provisions of RSA 287-E relative to the conduct of games of bingo and the sale of lucky 7 tickets?"

Included in this Section:

1. NH RSA 287-E:27 - Bingo and Lucky 7, Referendum

TITLE XXIV GAMES, AMUSEMENTS, AND ATHLETIC EXHIBITIONS

CHAPTER 287-E BINGO AND LUCKY 7

Referendum; Penalty

Section 287-E:27

287-E:27 Referendum. –

I. (a) Any city or town desiring to adopt the provisions of RSA 287-E may do so by presenting the following question to the voters: "Shall we adopt the provisions of RSA 287-E relative to the conduct of games of bingo and the sale of lucky 7 tickets?"

(b) The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No". If no cross is made in either of the squares, the ballot shall not be counted on the question.

(c) If a majority of those voting on the question vote "Yes", RSA 287-E shall apply within the city or town.

II. In a town, the question shall be listed in the warrant and placed on the official ballot, or a special ballot prepared by the clerk, upon a vote of the selectmen or upon submission to the selectmen of a petition signed by 25 registered voters or 1/6 of the registered voters, whichever is less.

III. In a city, the question shall be placed on the official ballot for any regular municipal election upon a vote of the city council or upon submission to the city council of a petition signed by 5 percent of the registered voters.

IV. Any city or town which has adopted RSA 287-E shall put to the voters the question of whether to rescind its action upon the vote of the selectmen or city council or upon the petition of voters as provided in paragraph II or

III. The question shall be as provided in paragraph I, except the word "adopt" shall be changed to "rescind".

Source. 1983, 417:1, eff. July 1, 1983.

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 7, 2022**

10. NEW BUSINESS:

**10.D – CONSIDERATION OF NHMA 2023-2024 LEGISLATIVE FLOOR POLICY
PROPOSAL SUBMITTED BY THE TOWN OF GRAFTON**

BACKGROUND

On June 15, 2022 and July 20, 2022, the City Council reviewed legislative policy proposals put forward by the NH Municipal Association as part of the 2023-2024 Legislative Policy Process. Since that time, the Town of Grafton submitted a floor policy proposal to change NH RSA 100-A:43 to permit municipalities with 15 or fewer full-time employees to allow their new hires to opt out of participation in the New Hampshire Retirement System.

The Council is asked to review the request by the Town of Grafton and provide direction for the Mayor (as the Council's delegate) on whether to vote to support or oppose the proposal at the NHMA Policy Conference in September.

ACTION

The following motion is offered for the Council's consideration:

MOVED that the Lebanon City Council hereby directs the City's Policy Conference delegate to vote in SUPPORT / OPPOSITION to the Floor Policy Proposal submitted by the Town of Grafton for the NHMA 2023-2024 Legislative Policy Process as included in the September 7, 2022 City Council Agenda Packet.

Included in this Section:

1. Floor Policy Proposal submitted by the Town of Grafton for the NHMA 2023-2024 Legislative Policy Process



**New Hampshire Municipal Association
2023-2024 Legislative Policy Process**

Floor Policy Proposal

Submitted by (name) Cindy Kudlik Date 8/2/22
City or Town Grafton Title of Person Submitting Policy Selectman

Floor Policy Proposal approved by vote of the governing body on (date) Tom moved, Leif ~~seconded~~
BoS Mtg 6PM 8/2/22 Passed unanimously

To see if NHMA will SUPPORT/OPPOSE: Revise RSA 100-A:43 to allow municipalities
with 15 or fewer full-time employees to allow future Group 1 hires
the option to not participate in the NHTS

(This is what HB1590 started out to accomplish last year)

Municipal interest to be accomplished by proposal: Cost savings to taxpayers, options
for new hires to better fund their retirement or allow
small towns to do so in a more cost effective manner.

Explanation: The NHTS is an unfunded mandate & small towns that
opted in decades ago have no way to reverse previous decisions
made by people who are no longer Selectmen for employees that no longer
work for the town. With the state no longer contributing a portion
and the NHTS not providing liveable pensions we could do better
for our town employees and save the taxpayers money as well.

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Mail to 25 Triangle Park Drive, Concord, NH 03301; or email to governmentaffairs@nhmunicipal.org.
Must be received by August 12, 2022.

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 7, 2022**

10. NEW BUSINESS:

**10.E – DISCUSSION OF POSSIBLE ENDORSEMENT OF FEDERAL HOUSE BILL
3172, a.k.a. THE “HELPER ACT OF 2021”**

BACKGROUND

Mayor McNamara is requesting the Council’s consideration of endorsing federal House Bill 3172, a.k.a. the “HELPER Act of 2021”. The bill is proposed to amend the National Housing Act to establish a mortgage insurance program for first responders, and for other purposes.

A full description of the proposed bill is attached.

ACTION

MOVED that the Lebanon City Council hereby authorizes the City Manager to prepare a written endorsement in support of federal House Bill 3172.

Included in this Section:

1. House Bill 3172, a.k.a. the “HELPER Act of 2021”

117TH CONGRESS
1ST SESSION

H. R. 3172

To amend the National Housing Act to establish a mortgage insurance program for first responders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2021

Mr. RUTHERFORD (for himself, Mr. LAWSON of Florida, Mrs. WATSON COLEMAN, and Mr. KATKO) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the National Housing Act to establish a mortgage insurance program for first responders, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Homes for Every Local
5 Protector, Educator, and Responder Act of 2021” or the
6 “HELPER Act of 2021”.

1 **SEC. 2. FHA MORTGAGE INSURANCE PROGRAM FOR MORT-**
 2 **GAGES FOR FIRST RESPONDERS.**

3 Title II of the National Housing Act (12 U.S.C. 1707
 4 et seq.) is amended by adding at the end the following
 5 new section:

6 **“SEC. 259. FHA MORTGAGE INSURANCE PROGRAM FOR**
 7 **MORTGAGES FOR FIRST RESPONDERS.**

8 “(a) **AUTHORITY.**—Subject to subsection (i), the Sec-
 9 retary may, upon application by a mortgagee, insure any
 10 mortgage eligible for insurance under this section and,
 11 upon such terms and conditions as the Secretary may pre-
 12 scribe, make commitments for the insurance of such mort-
 13 gages prior to the date of their execution or disbursement.

14 “(b) **ELIGIBLE MORTGAGORS.**—The mortgagor for a
 15 mortgage insured under this section shall, at the time the
 16 mortgage is executed, meet the following requirements:

17 “(1) **FIRST RESPONDER.**—The mortgagor shall
 18 be—

19 “(A)(i) employed full-time by a law en-
 20 forcement agency of the Federal Government, a
 21 State (as such term is defined in section 201
 22 (12 U.S.C. 1707)), or a unit of general local
 23 government; and

24 “(ii) in carrying out such full-time employ-
 25 ment, sworn to uphold, and make arrests for
 26 violations of, Federal, State, county, township,

1 or municipal laws, or authorized by law to su-
2 pervise sentenced criminal offenders;

3 “(B) employed full-time as a firefighter,
4 paramedic, or emergency medical technician by
5 a fire department or emergency medical services
6 responder unit of the Federal Government, a
7 State, or a unit of general local government; or

8 “(C) employed as a full-time teacher by a
9 State-accredited public school or private school
10 that provides direct services to students in
11 grades pre-kindergarten through 12.

12 “(2) YEARS OF SERVICE.—The mortgagor shall
13 have been—

14 “(A) employed as required under para-
15 graph (1) before application for a mortgage in-
16 sured under this section for 4 or more consecu-
17 tive years; or

18 “(B) released from employment described
19 in paragraph (1)(C) due to an occupation-con-
20 nected disability resulting directly from such
21 duty or employment.

22 “(3) INTENT FOR FUTURE SERVICE.—Except in
23 the case of a mortgagor described in paragraph
24 (2)(B), the mortgagor shall have certified that the
25 mortgagor in good faith intends to continue employ-

1 ment as described in paragraph (1) for at least one
2 year following the date of closing on the mortgage.

3 “(4) GOOD STANDING.—The mortgagor shall be
4 in good standing with respect to the employment re-
5 quired under paragraph (1) and not on probation or
6 under investigation for conduct that, if determined
7 to have occurred, is grounds for termination of em-
8 ployment.

9 “(5) ACCEPTABLE RISK.—The mortgagor meets
10 such requirements as the Secretary shall establish to
11 ensure that insurance of the mortgage represents an
12 acceptable risk to the Mutual Mortgage Insurance
13 Fund.

14 “(6) ACTUARIAL OBJECTIVES.—The mortgagor
15 meets such underwriting requirements as the Sec-
16 retary shall establish to meet actuarial objectives
17 identified by the Secretary, which may include avoid-
18 ing a positive subsidy rate or complying with the
19 capital ratio requirement under section 205(f)(2)
20 (12 U.S.C. 1711(f)(2)).

21 “(7) ONE-TIME USE.—The mortgagor shall
22 never previously have been the mortgagor under a
23 mortgage insured under this section.

24 “(c) MORTGAGE TERMS.—A mortgage insured under
25 this section shall comply with the following requirements:

1 “(1) USE OF PROCEEDS.—The proceeds of the
2 mortgage shall be used only to—

3 “(A) to purchase, construct, or repair a 1-
4 family residence, including a 1-family dwelling
5 unit in a condominium project; or

6 “(B) to purchase—

7 “(i) a manufactured home to be per-
8 manently affixed to a lot that is owned by
9 the mortgagor; or

10 “(ii) a manufactured home and a lot
11 to which the home will be permanently af-
12 fixed.

13 “(2) SECURITY.—The mortgage shall be se-
14 cured by an interest in the residence for which the
15 proceeds are used.

16 “(3) NO DOWNPAYMENT.—Subject to para-
17 graph (5) of this subsection, the mortgage may in-
18 volve an original principal obligation in an amount
19 up to 100 percent of the cost of acquisition of the
20 residence involved (including charges and fees re-
21 ferred to in such paragraph (5) and the premium
22 pursuant to subsection (d)(1)) and shall not require
23 that the mortgagor shall pay any amount, in cash or
24 its equivalent, on account of the property.

25 “(4) USE AS PRINCIPAL RESIDENCE.—

1 “(A) REQUIREMENT.—The residence se-
2 curing the mortgage shall be occupied, during
3 the term of the mortgage, by the mortgagor as
4 the mortgagor’s principal residence.

5 “(B) CERTIFICATION.—The mortgagor
6 shall certify compliance with subparagraph (A)
7 upon the execution of the mortgage and annu-
8 ally during the period specified in such subpara-
9 graph.

10 “(5) LOAN LIMITS.—The mortgage shall involve
11 an original principal obligation (including such ini-
12 tial service charges, appraisal, inspection, and other
13 fees to the extent allowable in connection with a
14 mortgage insured under section 203) not exceeding
15 the amount allowable with respect to a mortgage in-
16 sured under section 203(h).

17 “(6) CLOSING COSTS.—The Secretary shall pro-
18 vide that the seller of a residence acquired using a
19 mortgage insured under this section may pay all or
20 a part of any closing costs associated with such sale,
21 subject to such limits as the Secretary shall estab-
22 lish.

23 “(7) MORTGAGEE.—A mortgage insured under
24 this section shall be originated by a mortgagee ap-
25 proved by Secretary under this title.

1 “(8) INTEREST.—A mortgage insured under
 2 this section shall bear interest at rate agreed to by
 3 mortgagor and mortgagee, which may be adjustable.

4 “(d) MORTGAGE INSURANCE PREMIUM.—

5 “(1) UP-FRONT PREMIUM.—Subject to para-
 6 graph (2), the Secretary shall establish and collect
 7 an insurance premium in connection with each mort-
 8 gage insured under this section, at the time and in
 9 the manner in provided under section 203(c)(2)(A)
 10 (12 U.S.C. 1709(c)(2)(A)), except that such pre-
 11 miums shall be in an amount equal to 3.6 percent
 12 of the amount of the original insured principal obli-
 13 gation of the mortgage.

14 “(2) AUTHORITY TO ADJUST.—The Secretary
 15 may adjust the percentages specified in paragraph
 16 (1) from time to time by increasing or decreasing
 17 such percentages as the Secretary considers nec-
 18 essary, based on the performance of mortgages in-
 19 sured under this section and market conditions.

20 “(3) PROHIBITION OF MONTHLY PREMIUMS.—A
 21 mortgage insured under this section shall not be
 22 subject to a monthly insurance premium, including
 23 a premium under section 203(c)(2)(B) (12 U.S.C.
 24 1709(c)(2)(B)).

1 “(e) EXTENT OF INSURANCE.—Mortgage insurance
 2 under this section shall provide insurance of the mortgage
 3 in the same amount as would be guaranteed under section
 4 3703(a)(1) of title 38, United States Code, for a loan
 5 guaranteed under chapter 37 of such title having an origi-
 6 nal principal obligation in the same amount as such mort-
 7 gage.

8 “(f) PROCEDURE UPON DEFAULT.—In the event of
 9 default in the payment of any mortgage insured under this
 10 section, such mortgage shall be subject to the same re-
 11 quirements, conditions, and procedures applicable under
 12 this title to mortgages insured under section 203 that are
 13 in default.

14 “(g) MMIF.—A mortgage insured under this section
 15 shall be an obligation of the Mutual Mortgage Insurance
 16 Fund established under section 202(a) (12 U.S.C.
 17 1708(a)).

18 “(h) REAUTHORIZATION REQUIRED.—The authority
 19 to enter into new commitments to insure mortgages under
 20 this section shall expire upon the conclusion of the 5-year
 21 period beginning on the date of the enactment of this sec-
 22 tion unless otherwise specifically provided by law.”.

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